

### **REMARKS**

In an Office Action dated September 29, 2008, Claims 1 - 9 are pending and all claims stand rejected. Claims 1 - 9 are currently pending.

#### **35 U.S.C. § 112, second paragraph**

Claims 1 - 9 are rejected under 35 U.S.C. § 112, second paragraph, because the Examiner contends that the meaning of "in the presence of catalytic acid" is unclear. Claim 1 has been amended to recite "in the presence of a catalytic amount of acid." Support for the amendment to claim 1 may be found in the specification at page 3. Claims 2 - 9 depend from claim 1. In light of the amendment to claim 1, Applicant respectfully requests withdrawal of the rejection of claims 1 - 9 under 35 U.S.C. § 112, second paragraph.

#### **35 U.S.C. § 112, first paragraph**

Claims 1-3 and 5-9 are rejected under 35 U.S.C. § 112, first paragraph because the Examiner contends that the scope of "a formate derivative" cannot be enabled. Claims 1, 4, 5 and 6 have been amended to recite "trialkylorthoformate" in place of "a formate derivative". Support for the amendment to claims 1, 4, 5, and 6 may be found in the specification at page 4. Claims 2, 3, 5, 6, and 9 depend from amended claim 1; claims 7 and 8 depend from amended claim 6. In light of the amendments, Applicant respectfully requests withdrawal of the rejection of claims 1-3 and 5-9 under 35 U.S.C. § 112, first paragraph.

Claims 1-9 under 35 U.S.C. § 112, first paragraph because the Examiner contends that the use of the term "or a derivative thereof" in claim 1 and 9 renders the claims indefinite. Claims 1, 6, and 9 have been amended to delete the derivative language. Claims 2, 3, 4, 5, 6, 7, 8, and 9 depend from amended claim 1. In light of the amendment, Applicant respectfully requests withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 112, first paragraph.

#### **35 U.S.C. § 102(b)**

Claims 1-2, and 4-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vince, WO99/19327, 5618889 or Evans if the claims are interpreted according to mean "in the presence of an acid which is catalytic." Because claims 1-

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2 and 4-8 have been amended to recite "a catalytic amount of acid", Applicant respectfully requests withdrawal of the rejection of claims 1-2 and 4-8 under 35 U.S.C. § 102.

35 U.S.C. § 103(a)

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vince, WO99/19327, 5618889 or Evans as applied to claim 1 and further in view of 5917041 or Daluge. In light of the amendment to claim 1, Applicant respectfully requests withdrawal of the rejection of claim 9, depending from claim 1, under 35 U.S.C. § 103(a).

It is respectfully submitted that the present application is in condition for allowance. An early consideration and notice of allowance are earnestly solicited.

The Commissioner is hereby authorized to charge such fees and any other fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,

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